

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 17-260
)	
OCTAVIO MARINELLO)	

GOVERNMENT'S SENTENCING MEMORANDUM

AND NOW, comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Barbara K. Doolittle, Assistant United States Attorney for said district, and submits this sentencing memorandum in the above captioned matter:

**THE COURT SHOULD SENTENCE OCTAVIO MARINELLO
ACCORDING TO THE STATUTORY TERM OF IMPRISONMENT**

Title 18, United States Code, Section 3553(a) requires this Court to consider the following sentencing factors: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (3) the need to afford adequate deterrence to criminal conduct, and to protect the public from further crimes of the defendant; (4) the need to provide the defendant with educational or vocational training, medical care, or other correctional treatment in the most effective manner; (5) the guidelines and policy statements issued by the Sentencing Commission; (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (7) the need to provide restitution to any victims of the offense.

Octavio Marinello now stands convicted of Count Seven of the Superseding Indictment in the above-captioned case, that is, Possession of a Firearm in Furtherance of a Drug Trafficking

Crime. This conviction requires a mandatory term of imprisonment of five (5) years. This effectively makes Mr. Marinello's sentencing guidelines range 60 to 60 months, as an adjustment for acceptance of responsibility under Chapter Three of the United States Sentencing Guidelines does not apply to this violation of the law. USSG § 2K2.4(b). The Government submits that the 60-month term of imprisonment is not only statutorily mandated, but appropriately reflects the seriousness of the offense, the Sentencing Commission's guidelines and policy statements, and the need to avoid unwarranted sentence disparities among similarly situated defendants. Accordingly, a sentence within the guideline range will meet the requirements of 18 U.S.C. § 3553(a).

Respectfully Submitted,

SCOTT W. BRADY
United States Attorney

s/ Barbara K. Doolittle
BARBARA K. DOOLITTLE
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